UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/SR.49/Add.1
14 December 1993

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 December 1993, at 11.55 a.m.

Chairperson: Mr. ALSTON

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* The summary record of the first part (closed) of the meeting appears as document E/C.12/1993/SR.49.

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GE.93-19905 (E)

The public meeting was called to order at 11.55 a.m.

ADOPTION OF THE REPORT TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 9)

1. Mr. BADAWI read out the text of a draft resolution to be incorporated in the report, as follows:

"Recalling paragraph 35 of the Vienna Declaration and Programme of Action on Human Rights that the promotion and protection of human rights must reflect the high importance accorded to human rights by the Charter of the United Nations and that to this end the United Nations human rights activities should be provided with increased resources;

Recalling in particular paragraphs 9, 10, 11 and 12 of the Declaration on resources under the heading 'Increased coordination on human rights within the United Nations system';

Noting that the Declaration has reaffirmed that the universal and inalienable right to development must be implemented and realized and has urged the thematic working group on the right to development to consult and cooperate with the other organs and agencies of the United Nations system;

Emphasizing the important role that the Committee on Economic, Social and Cultural Rights can play in this regard as well as the substantial contribution it can provide to complement the work of the working group;

Emphasizing further that the resources presently available to the Committee on Economic, Social and Cultural Rights hardly enable it to acquit itself of its responsibilities under the Covenant;

Urges the Council, and through it the General Assembly, to give favourable and due consideration to the request of the Committee on Economic, Social and Cultural Rights for (additional) increased resources in order to enable it to carry out both its current mandate as well as the new tasks evolving from the Vienna Declaration and Programme of Action."

2. The draft resolution was adopted.

3. The CHAIRPERSON recalled that it had been the Committee's practice in the past to include in its annual report a brief summary of the discussion which had taken place during each session's day of general discussion. To his regret, he had no text of such summary ready to place before the Committee in respect of the day of discussion at either the current or the previous session. He invited the Committee to decide whether to defer the matter to the next session or to authorize the Chairperson to draft the summaries and submit them to the Working Group scheduled to meet the following week with a view to incorporating them in the report on the work of the ninth session.

4. Mrs. JIMÉNEZ BUTRAGUEÑO, supported by Mr. ALVAREZ VITA, expressed herself in favour of the latter alternative.

5. It was so decided.

6. Mrs. JIMÉNEZ BUTRAGUEÑO suggested that, in accordance with the Committee's previous practice, the text of her introductory paper to the day of general discussion at the eighth session as well as Mr. Alvarez Vita's introduction to the day of general discussion at the current session should be annexed to the annual report.

7. Mr. SIMMA said that, while generally sympathetic to that suggestion, he could not agree that it was based on established practice. In any event, the practice, if indeed it existed, would be interrupted very shortly, as the Committee had decided to dispense with an introductory paper on the next session's day of general discussion. It also had to be borne in mind that Mr. Alvarez Vita's working paper had not yet been translated into English or French and had not formed the subject of debate on the day of general discussion at the present session.

8. The CHAIRPERSON said that the issue raised by Mrs. Jiménez Butragueño was a highly delicate one. On the one hand, as everyone was aware, the working papers in question represented an extremely valuable input by the two experts concerned. On the other hand, a paper which had not been discussed and was not available in all the working languages did not necessarily represent the views of the Committee as a whole.

9. Mr. GRISSA said that, in his opinion, contributions relating to the day of general discussion, whether by members of the Committee or by outside experts, should appear as Committee documents but should not be included in the report.

10. Mr. SIMMA agreed, adding that, in his view, the decisive question was whether a paper had or had not been explicitly endorsed by the Committee.

11. Mr. ALVAREZ VITA said he was surprised at the course the current debate had taken. As had been seen, there was a precedent for including a contribution paper in the Committee's report; in the case of his own text, moreover, some of the experts invited to attend the day of general discussion on the rights to health had advocated its inclusion in the report, and he recalled no objections from Committee members at the time. Its inclusion did not have to represent a permanent departure from the Committee's previous practice. Perhaps, in order to overcome any disquiet, wording could be added to the effect that the text did not necessarily reflect the views of the Committee.

12. Mrs. JIMÉNEZ BUTRAGUEÑO said that it was only because a precedent already existed that she had made her proposal. Whatever procedure was adopted, the document deserved to be available for consideration by the Committee at its next session.

13. The CHAIRPERSON said, in reply to questions by Mr. CEAUSU and Mrs. AHODIKPE, that translations of the document into all the working languages would be available at the Committee's next session.

14. Mr. SIMMA said that the Committee's report, in the new format, would be reduced to some 40 pages instead of over 100 in the case of previous reports. It would seem unbalanced, therefore, to incorporate a text which in itself would extend to some 50 pages and which, moreover, had not been the subject of discussion. He wondered whether a condensed version could be prepared for inclusion in the report.

15. Mr. ALVAREZ VITA reiterated his surprise and disquiet about the course of the debate, and reserved his position in that regard.

16. The CHAIRPERSON said he felt sure that the issue being raised was one of principle, devoid of personal considerations. Although a paper had been included in a previous report, on the occasion of the Committee's sixth session, he thought it was at the current stage that any precedent would be set. Replying to a question by Mr. BADAWI, he said that the working group chaired by Mr. Alvarez Vita to consider the organizing of a day of general discussion had invited four members to submit papers on various aspects of the right to health.

17. Mr. GRISSA suggested that contribution papers to general discussions should not be included in the Committee's report, since they did not relate to the Committee's main task of analysing State party reports.

18. Mr. SIMMA said he could not support such a rigid approach, since there was no clear dividing line. He remained firmly opposed, however, to the inclusion in the Committee's report of a paper which the majority of members had not had a chance to study. He recalled that, in the case of the paper prepared by Mrs. Jiménez Butragueño, the Committee had been able to study it beforehand.

19. Mr. BADAWI moved a closure of the debate, under rule 39, paragraph 2, of the Committee's rules of procedure.

20. Mr. MUTERAHEJURU supported the proposal.

21. Mrs. BONOAN-DANDAN proposed that a day should be allotted, at the Committee's next session, for further discussion of the document.

22. Mr. ALVAREZ VITA said he failed to see why discussion of a document submitted in good time for the current session should be postponed.

23. The CHAIRPERSON declared the debate closed. He said that discussion of the matter would be resumed at the Committee's next session.

24. If there was no objection, he would also take it that the Committee wished to adopt its concluding observations on reports by States parties, as discussed and approved in closed meeting.

25. It was so decided.

26. The CHAIRPERSON said that if there was no objection he would also take it that the two outstanding draft general comments would be considered, as a matter of priority, at the Committee's next session.

27. It was so decided.

28. The CHAIRPERSON suggested that the Committee should authorize him and the Rapporteur to prepare texts, in consultation with any interested members, on the various decisions taken during the current session, on the understanding that the Committee thereby endorsed them all. In particular, he invited the Committee to signify its agreement to the oral amendments to chapter III, reflecting the specific decisions taken during the session.

29. It was so agreed.

30. The CHAIRPERSON further suggested that the Committee should agree to defer, until its next session, the question of the adoption of a draft decision requesting the Economic and Social Council, at its regular session of 1994, to approve an additional sum of US$ 10,000 for the Committee's activities.

31. It was so decided.

32. The CHAIRPERSON said, in reply to a question by Mr. SIMMA, that he would finalize the texts of letters to be sent next week by the Working Group, in his name, to the authorities of Panama, the Dominican Republic, the Philippines and the World Bank. He added that the text of the Committee's concluding observations relating to Senegal would be available for perusal later that day.

CLOSURE OF THE SESSION

33. After the customary exchange of courtesies, the CHAIRPERSON declared the session closed.

The meeting rose at 1.05 p.m.